

STATE OF CALIFORNIA

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June 4, 2002

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File Ref: W 9777.234

USCG-2001-10486-33

VIA FACIMILE, 202-493-2251 and U.S. MAIL**Re: Docket No. USCG-2001-10486; Comments on ANPRM on Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters (67 Federal Register 9632-9638, March 4, 2001)****To Whom It May Concern:**

The Marine Facilities Division (MFD) of the California State Lands Commission welcomes this opportunity to provide comments to the U.S. Coast Guard regarding options for setting ballast water treatment goals and standards. As stated in our comment letter dated September 30, 2001, the MFD supports a strong ballast water management program at the national level. Such a program should include mandatory ballast water management requirements and reporting for all vessels operating in U.S. waters; active enforcement and penalties; establishment of best achievable protection measures and treatment standards to move beyond ballast water exchange, and permanent and dedicated funding for a national program.

This letter addresses the specific questions asked in the subject document. The questions and our responses are as follows:

1. **Should the Coast Guard adopt G1, G2, G3 or some other goal for ballast water treatment?** The MFD supports a modified version of the proposed ballast water standard goal - G1. The goal should read "No discharge of viable vertebrates, invertebrates, zooplankton, and photosynthetic organisms, inclusive of all life-stages and bacteria". This goal is most in line with the congressional intent of National Invasive Species Act to eliminate ballast water as a source of harmful nonindigenous aquatic species (NAS).
2. **Should the Coast Guard adopt any of the standards, S1-S4 as an Interim standard?** The MFD supports the development and implementation of an interim standard, applicable to all commercial vessels while working toward the zero discharge goal. As technology changes, the standard for ballast water discharge should be regularly reviewed and updated as appropriate. We recommend that the Coast Guard adopt a combination of standards S1 and S3. We suggest the following wording: "Achieve at least 95% removal, kill or inactivation of all vertebrate, invertebrates, zooplankton, and photosynthetic organisms, inclusive of all life-stages. Bacteria will not exceed federal criteria for contact recreation." This interim standard would allow for implementation of existing ballast water management practices, while driving the development of new treatment technologies.

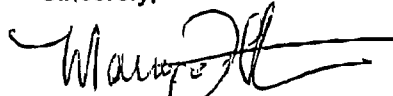
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3. **Please provide information on the effectiveness of current technologies to meet the possible standards.** Currently, little information is available on the treatment performance of potential technologies. This is primarily due to the unfocused nature of the development effort, which is far too scattered and diffuse and the lack of test protocols, representative test species, and measures of effectiveness. MFD is conducting two shipboard demonstration projects that will attempt to quantify the biological efficacy, operation feasibility, and cost of retrofitting a given treatment system on commercial vessels and expects to release its preliminary report later this fall. Both projects would have greatly benefited from standardized test protocols and measurements of effectiveness. MFD supports the development and implementation of a standardized testing facility (land, shore-side or on a vessel) to develop test protocols and screen potential treatment technologies before additional shipboard studies are conducted. This standardized testing facility should be a collaborative effort among the Coast Guard, interested states and the maritime industry.
4. **General comments on how to structure any cost-benefit or cost-effectiveness analysis that evaluates the above four possible standards.** In addition to the costs to the maritime industry to comply with a standard, the known cost to society of not regulating ballast water discharges should be considered in any cost-benefit or cost-effectiveness analysis. For example, costs to municipalities to control NIS, to down-stream users (fisheries, boaters, etc.), to state and federal species of concern, and those borne by the public for control measures and research should also be considered.
5. **What impact would the four standards have on small businesses that own and operate vessels?** No comment.
6. **What potential environmental impacts would the goals or standards carry?** Progress towards the modified Goal and interim Standard identified above would have a positive environmental impact, since it would ultimately eliminate the introduction of ballast water mediated NAS. How a standard is implemented may have environmental impacts and any control technology needs to be carefully evaluated before approval for their potential environmental impacts.

In summary, the MFD supports a National program with an ultimate goal of zero introductions and the implementation of interim standards until that goal is reached. We look forward to our continued collaboration with the U.S. Coast Guard on testing protocols, standard development, and implementation of an advanced approval program.

If you have any questions or need additional clarification please contact me at telephone number listed above.

Sincerely,



Maurya B. Falkner
California Ballast Water Program Manager
Marine Facilities Division

cc: Gary Gregory, Chief, Marine Facilities Division